

REMARKS

Claims 1-23 are pending. Claims 1, 4-5, 7-11, 14-15 and 17-20 have been amended. Claims 2-3, 12-13 and 21-23 have been canceled. Applicants request reconsideration of the application as amended.

The Examiner objected to Claims 3-10 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 1 to include substantially all of the limitations of Claims 2 and 3. In view of this, Applicants respectfully submit that Claims 1 and 4-10 are in condition for allowance.

The Examiner rejected Claims 11-20 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner stated that the claimed limitation "a tracking clock generator" in line 7 of Claim 11 is not supported by other than Figure 3. Applicants respectfully disagrees and believes that the function of the tracking clock generator would be well understood by those skilled in the art. Specifically, the patent application, in describing Figure 3 is set forth on page 7, states that the tracking clock generator receives up and down control signals where the up signal advances the phase and a down signal delays the phase. Furthermore, the patent application states that the time delay and advance operations of the clock phase occur a granularity of the minimum spacing in between clock phases as set forth in input signal $CLK_{PH}[0:3]$ as the sequence of these signals changes the clock signals CLK_{TR} . Furthermore, the present application sets forth in Figure 5 in its description, the TCG receiving signals up and down in generating the clock signals where the up signal advances the phase of the tracking clock while the down signal delays the phase. Applicants respectfully submit that such a tracking clock generator would be well understood to those skilled in the art.

Therefore, Applicants respectfully submit that the description is enabling and respectfully requests that the Examiner withdraw the objection.

The Examiner indicated that Claims 13-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims and rewritten in independent from including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended Claim 11 to include substantially all the limitations of Claims 12 and 13. In view of this, Applicants respectfully submit that Claims 11 and 14-20 are in condition for allowance.

The Examiner rejected Claims 1, 11 and 22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,584,163 B1 by Myers, Jr. et al. (hereinafter "Myers"). The Examiner also rejected Claims 2 and 12 under 35 U.S.C. 103(a) as being unpatentable over "Myers", as applied to claims 1 and 11 above in view of U.S. Patent No. 5,052,027 by Poklemba. et al. (hereinafter "Poklemba"), and rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over "Myers", as applied to claims 11 above, and further in view of U.S. Patent No. 6,665,359 B1 by Flake (hereinafter "Flake"), and rejected Claim 23 under 35 U.S.C. 103(a) as being unpatentable over "Myers", as applied to claim 1 above, and further in view of "Flake".

Claims 1 and 4 have been amended and, based on the Examiner's comments, are in condition for allowance. Therefore, Applicants respectfully submit that these rejections have been obviated.

Claims 2, 12, and 21-23 have been canceled without prejudice and will be pursued, along with original Claims 1 and 11, in a continuation.

CONCLUSION


It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. Applicants reserve all rights with respect to the application of the doctrine equivalents. If there are any additional charges, please charge them to our Deposit Account No. 02-2666. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: _____

10/13/04



Michael J. Mallie
Reg. No. 36,591
Tel.:(408) 720-8300

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026